



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable G. A. Walters
County Attorney
San Saba County
San Saba, Texas

Dear Mr. Walters:

Opinion No. O-2173
Re: Article 2746a -- Independent
school districts having more
than 500 scholastics --
Election for school trustees.

This will acknowledge receipt of your letter of
April 3, 1940, stating the following case for a legal
opinion by this department:

"I am requested by the County
Judge of our county to write you for
an opinion construing Art. 2746A
providing for the official ballot at
an election for a school trustee.
This article as amended in 1935, 44th
Legislature, p. 135, Chapt. 55, sect.
2, provides that in any independent
school district having fewer than 500
scholastics, etc, in such an election
anyone desiring to have his name
placed on the official ballot as a
candidate for trustee shall at least
ten days before election file a writ-
ten request with the County Judge of
the county in which said district is
located, requesting that his name be
placed on the official ballot, etc,
and further providing that five or
more resident qualified voters in the
district may request that certain names
be printed. The County Judge, upon re-
ceipt of such written request, and at

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least five days before the election, shall have the ballots printed, as provided in this act, placing on the ballot the name of each candidate who has complied with the terms of this act, etc.

"The County Judge wants to know whether or not this act applies where there are more than 500 scholastics, etc, as is the case in the San Saba Independent School District."

Article 2746a, Vernon's Revised Civil Statutes, so far as pertinent here, reads as follows:

"All of the ballots for the election of a school trustee in common school districts and in independent school districts having fewer than five hundred (500) scholastics as shown by the last preceding scholastic census roll approved by the State Department of Education and exclusive of transfers shall be printed with black ink on clear white paper, of sufficient thickness to prevent the marks thereon being seen through the paper, and be of uniform style and dimension; at the top of the ballot there shall be printed 'Official Ballot, _____ Independent School District,' the number or name of the school district in which the election is to be held to be filled in by the judge of the county when he orders the ballots printed. Any person desiring to have his name placed on said official ballot, as a candidate for the office of trustee of a common school district or of an independent school district as herein provided shall, at least ten days before said election, file a written request with the county judge of the county in which said district is located, requesting that his name be placed on the official ballot, and no candidate shall have his name printed on said ballot unless he has complied with the provisions of this Act; provided that five or more

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resident qualified voters in the district may request that certain names be printed. The county judge, upon receipt of such written request, and at least five days before the election, shall have the ballots printed as provided in this Act, placing on the ballot the name of each candidate who has complied with the terms of this Act, and deliver a sufficient number of printed ballots and amount of supplies necessary for such election to the presiding officer of the election at least one day before said election is to be held, said election supplies, ballots, boxes, and tally sheets to be delivered by the county judge by mail or in any other manner by him deemed best, to the presiding officer of said election in sealed envelopes which shall not be opened by the election officer until the day of the election. * * *

It is thus seen the authority of the County Judge with respect to the ordering and holding of the election of trustees is limited to common school districts and independent school districts having fewer than 500 scholastics, as shown by the last preceding scholastic census roll, approved by the State Department of Education. Whereas, in other districts, the Board of Trustees has such authority. (Article 2746, Vernon's Civil Statutes).

The views here expressed are clearly implied in our Opinion No. 0-568.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By

Ocie Speer
Ocie Speer
Assistant

OS-MR

APPROVED APR 16, 1940

Gerard B. Mann

ATTORNEY GENERAL OF TEXAS

